

**Harron Communications, Inc. and Local Union 1448, International Brotherhood of Electrical Workers, AFL-CIO, Petitioner. Case 4-RC-17861**

July 29, 1992

**ORDER DENYING REVIEW**

BY CHAIRMAN STEPHENS AND MEMBERS OVIATT  
AND RAUDABAUGH

The Board has delegated its authority in this proceeding to a three-member panel, which has considered the Employer's request for review of the Acting Regional Director's Decision and Direction of Election (a copy of which is attached). The request for review is denied as it raises no substantial issues warranting review.<sup>1</sup>

<sup>1</sup> In denying review, we note that although the nine customer service representatives (CSRs) have considerable daily contact with installers and technicians, the undisputed findings by the Acting Regional Director establish that the CSRs perform distinct duties from those of the installers and technicians, are separately supervised, are administratively organized in a separate department, do not work in the field with tools or on any cable equipment, and must have experience using computers and the telephone. The thrust of their work is thus customer relations, and, as the Acting Regional Director found, their inclusion is not required. See *Cablevision Systems Development Co.*, 251 NLRB 1319, 1323 (1980).

**APPENDIX**

The Employer, a New York corporation, is engaged in operating a cable television system with a facility located in Malvern, Pennsylvania. The Petitioner seeks to represent a unit of all technicians employee by the Employer at its Malvern, Pennsylvania facility. The parties stipulated that technician, installers, a converter repairperson, and a warehouse employee should be included in the unit and that Chief Technician Jim Mellon, Assistant Chief Technician David McGarrity, sales employees, guards and supervisors as defined in the Act should be excluded from the unit. The Employer, contrary to the Petitioner would also include its nine customer service representatives (CSRs) and its draftsman. The Petitioner takes the position that the CSRs are office clericals and that they and the draftsman lacks a community of interest with the other unit employees.

Acting Regional Manager Andy Walton oversees the Employer's Operations. CSRs work in the Customer Service/Business Department under the supervision of Business Manager Hugh Scott. They work Monday through Friday three staggered shifts: 7:30 a.m. to 4:30 p.m., 8:00 a.m. to 5:00 p.m., and 9:00 a.m. to 6:00 p.m. The CSRs have 1 one-hour lunch break, are paid hourly and receive the same benefits as the other unit employees. They do not wear a uniform, never leave the facility, and do not work with tools.

The technicians, installers converter repairperson, and warehouse employee work in the Technical Department and are supervised by Chief Technician Mellon. The technicians and installers work Monday through Friday, 8:00 a.m. to 4:30 p.m., or Tuesday through Saturday, 10:00 a.m. to 6:30 p.m. The converter repairperson pulls parts and equipment

needed on a particular job and repairs old converter units. On Saturdays, the converter repairperson spends about 25% of his time performing CSR duties. The warehouse employee, who works Monday through Friday, 7:45 a.m. to 4:15 p.m. keeps an inventory of equipment and supplies and orders those items when needed. The warehouse employee Performs the converter repairperson's duties on Mondays. The technicians, installers and warehouse employees have half-hour lunch break. The converter repairperson has one hour for lunch.

CSRs are required at a minimum to have a high school education prior customer service background, and experience using personal computers and telephones. They handle all incoming calls and walk-ins from the public seeking initial hook-ups or responses to service-related problems. CSRs initiate a check-in procedure for every new customer in order to ensure that the customer is billed for the services rendered. CSRs enter installation orders or service calls into the computer which identify a date and time slot when the installer or technician will do the work and also enter information indicating what time commitments have been made. CSRs generate a print out for the converter repairperson which he uses to gather equipment and parts the installers need for the next day's work. On service-related call, CSRs attempt to help the customer troubleshoot the problem by instructing them over the telephone before deciding to schedule an appointment with an installer or technician. The technicians do similar troubleshooting themselves when they start service jobs. CSRs are in daily contact with the installers and technicians. Installers and technicians are required to call CSRs upon the completion of each job, at the end of each day, and during the job when problems develop. CSRs maintain a record of each service 11, the particular problems encountered, and, for installations, the convert serial number which insures that the customer does not lose service. The CSRs track jobs completed, those that must be carried over to the next day, and those that must be completed on an overtime basis. If a scheduling problem arises, CSRs will either reschedule the appointment, get another installer or technician to do the work or obtain overtime authorization from the chief technician. CSRs also have contact with the converter repairperson because the CSRs handle walk-in subscribers who bring in faulty equipment. CSRs hold discussions with the converter repairperson in order to determine what is wrong with the equipment and what parts are needed for its repair. CSRs also contact the warehouse employee if they need spools, cable, or other material. On "nonpaid disconnect" days, which occur once or twice a month, installers may get money from customers on delinquent accounts which they turn over to the CSRs at the end of the day.

CSRs and representatives from the other unit positions participate in safety and entertainment committees and all employees attend social events the entertainment committee sponsors. All employees have access to the same lunchroom, but the technicians and installers usually eat near their jobsites. The Employer described "cross-training" of employees which appears to be a means of having the field employees and CSRs see how the different jobs involved in the business are performed. CSRs have accompanied technicians or installers in the field to observe their work. However, there is no standard schedule or periodic time when this occurs; employees employed for several years may have en-

gaged in such activities on only a few days. Job vacancies are posted and any employee can apply for the vacant positions. The record discloses that only one employee, an installer, voluntarily transferred to a CSR position, and that was in 1979.

It is well-established that the unit sought by the Petitioner need not be the only appropriate unit or even the most appropriate unit, but only that it be an appropriate unit. *Morand Bros. Beverage Co.*, 91 NLRB 409, 418 (1950), *enfd.* 190 F.2d 576 (7th Cir. 1951). Although a unit which included the CSRs would be appropriate, the record evidence establishes that the unit sought by Petitioner, which excludes the CSRs, is also appropriate. Thus, although the CSRs have regular contact with other unit employees, they are separately supervised, they do not go into the field, and, unlike the other unit employees, they do not use tools or wear uniforms. They work Monday through Fridays whereas the other unit employees may work Saturdays. Unlike other employees they are required to have a customer service background. Only one installer transferred to a CSR position and that occurred long ago. The fact that they do some troubleshooting with customers by telephone in order to avoid the necessity of a service call does not require their inclusion in a unit with the technicians and installers. *Cablevision Systems Development Co.*, 251 NLRB 1319, 1323–1324 (1980). Further, although the converter repairperson performs approximately 2 hours of CSR work on Saturdays, those functions comprised only 5 percent of his or her weekly work. The overwhelming majority of the converter repairperson's work is spent on duties more associated with those of the unit employees than on those associated with the CSRs' duties. The converter repairperson might be considered a dual-function employee, see *Mid-State Distributing Co.*, 276 NLRB 1511, 1559–1562 (1985), but the CSR duties he or she performs do not establish that the CSRs have such a substantial community of interest with them or other employees to find the unit sought by the Petitioner to be inappropriate. There is cross-training of employees, but it appears to be sporadic and the record evidence does not disclose that it results in the substitution of one group of employees for the other. Based on the foregoing, I find that the CSRs are office clerical employees who lack a sufficient community of interest with the other unit employees to warrant their inclusion in the unit. *Cablevision Systems*, *supra*; cf. *Micronesia Telecommunications Corp.*,

273 NLRB 354, 358 (1984), *enfd.* 820 F.2d 1097 (9th Cir. 1987); *National Telephone Co.*, 219 NLRB 634, 637 (1975); *Akron Telerama Cablevision*, 191 NLRB 4 (1971).

The draftsperson reports to Assistant Chief Technician McGarrity who in turn reports to the chief technician. The draftsperson is hourly paid and receives the same benefits as the other unit employees. The technicians, installers, and draftsperson wear the same uniforms, and work with similar tools. The draftsperson is required to have a minimum of two years experience in cable tv design and a high school education. The draftsperson must know the technician's job and is responsible for designing any new cable tv plan the Employer will build and activate. Half of the draftsperson's time is spent out of the office on the various jobsites. In this regard, the draftsperson performs on-site surveys which determine whether a particular jobsite is serviceable and at what cost. While surveying jobs, the draftsperson has contact with the technicians and installer. The draftsperson prepares a blueprint for a particular job which he explains to installers or technicians and checks to make sure it is followed. Problems encountered by installers or technicians in completing a job are discussed with the draftsperson. The Employer designates one of the CSRs as the "survey person" on a rotating basis. That CSR makes the initial jobsite assignment to the draftsperson and acts as the primary liaison between the draftsperson and the customers, although the draftsperson also has direct contact with the customers. In addition to these job duties the draftsperson is responsible for fleet maintenance. The draftsperson performs minor repairs on the Employer's vehicles or makes the necessary arrangements to have servicing work done. Thus, if a technician or installer is having problems with a particular vehicle, they must consult the draftsperson. The draftsperson as a slightly higher wage rate than the other unit employees. However, the draftsperson receives the same benefits, works in the same department, is subject to the same supervision, wears a uniform, uses some of the same tools, and spends portions of his time on the jobsites in direct contact with other unit employees. Based on the foregoing, I find that the draftsperson shares a sufficient community of interest with the unit employee to warrant his inclusion in the unit. Accordingly, I shall include the draftsperson in the unit. See *Southern Maryland Hospital Center*, 274 NLRB 1470, 1471 (1985).